

SUPREME COURT: BRONX COUNTY

-----x

INDEX#

RENE GOTAY and NANCY GOTAY,

Plaintiffs,

VERIFIED COMPLAINT

-against-

THE CITY OF NEW YORK,
 THE NEW YORK CITY POLICE DEPARTMENT,
 POLICE OFFICER DANIEL VENDITTO, individually and
 in his official capacity as a New York City Police Officer
 POLICE OFFICERS JOHN DOE #1-8, (the name
 "John Doe" being fictitious as the true names of eight
 police officers are presently unknown), individually and
 in their official capacity as New York City Police Officers,
 and ALLEGIANCE PROTECTION GROUP INC.,

Defendants.

-----x

Plaintiffs, by their attorneys, FRAIDEN & FRAIDEN LLP, as and for a VERIFIED
 COMPLAINT, upon information and belief, allege that at all times mentioned herein:

1. That the defendant, THE CITY OF NEW YORK, was and still is a Municipal Corporation duly incorporated and existing under and by virtue of the laws of the State of New York.
2. That the plaintiffs herein have complied with all of the conditions precedent to bringing this action against the above named defendants. A Notice of Claim was timely served upon the defendants within 90 days after the date of occurrence pursuant to law; more than 30 days have elapsed since service of said Notice of Claim and said claims remain unadjusted, and defendant has failed and refused to make adjustment, and this action is brought within 1 year and 90 days of the occurrence complained of.
3. That defendants failed to serve on plaintiffs' counsel written Demand for an Examination of the plaintiffs in accordance with General Municipal Law 50-h(2) or have conducted said examinations.
4. That defendant, THE NEW YORK CITY POLICE DEPARTMENT, was and still is an agency, department, subdivision or unit of the defendant THE CITY OF NEW YORK
5. That the defendant, THE CITY OF NEW YORK owned the defendant THE NEW YORK CITY POLICE DEPARTMENT.
6. That the defendant, THE CITY OF NEW YORK operated the defendant THE NEW YORK CITY POLICE DEPARTMENT.

7. That the defendant, THE CITY OF NEW YORK managed the defendant THE NEW YORK CITY POLICE DEPARTMENT.
8. That the defendant, THE CITY OF NEW YORK supervised the defendant THE NEW YORK CITY POLICE DEPARTMENT.
9. That the defendant, THE CITY OF NEW YORK controlled the defendant THE NEW YORK CITY POLICE DEPARTMENT.
10. That the defendant, THE CITY OF NEW YORK employed the defendant THE NEW YORK CITY POLICE DEPARTMENT.
11. That the defendant, THE CITY OF NEW YORK instructed the defendant THE NEW YORK CITY POLICE DEPARTMENT.
12. That the defendant, THE CITY OF NEW YORK trained the defendant THE NEW YORK CITY POLICE DEPARTMENT.
13. That the defendants POLICE OFFICER DANIEL VENDITTO was and still is a duly appointed and acting officer, servant, employee and agent of defendant THE NEW YORK CITY POLICE DEPARTMENT, a municipal agency of the defendant THE CITY OF NEW YORK.
14. That the defendants POLICE OFFICER JOHN DOE #1-8 were and still are duly appointed and acting officers, servants, employees and agents of defendant THE NEW YORK CITY POLICE DEPARTMENT, a municipal agency of the defendant THE CITY OF NEW YORK.
15. That the defendant, THE CITY OF NEW YORK supervised the defendants POLICE OFFICER DANIEL VENDITTO and POLICE OFFICER JOHN DOE #1-8.
16. That the defendant, THE CITY OF NEW YORK controlled the defendants POLICE OFFICER DANIEL VENDITTO and POLICE OFFICER JOHN DOE #1-8.
17. That the defendant, THE CITY OF NEW YORK employed the defendants POLICE OFFICER DANIEL VENDITTO and POLICE OFFICER JOHN DOE #1-8.
18. That the defendant, THE CITY OF NEW YORK instructed the defendants POLICE OFFICER DANIEL VENDITTO and POLICE OFFICER JOHN DOE #1-8.
19. That the defendant, THE CITY OF NEW YORK hired the defendants POLICE OFFICER DANIEL VENDITTO and POLICE OFFICER JOHN DOE #1-8.
20. That the defendant, THE CITY OF NEW YORK trained the defendants POLICE OFFICER DANIEL VENDITTO and POLICE OFFICER JOHN DOE #1-8.
21. That the OFFICE OF THE DISTRICT ATTORNEY OF BRONX COUNTY was an agency, department, subdivision or unit of the defendant THE CITY OF NEW YORK.

22. That the defendant, ALLEGIANCE PROTECTION GROUP INC., was and still is a domestic corporation duly organized and existing under and by virtue of the laws of the State of New York.
23. Defendant, ALLEGIANCE PROTECTION GROUP INC., was and still is a domestic limited liability company duly organized and existing under and by virtue of the laws of the State of New York.
24. Defendant, ALLEGIANCE PROTECTION GROUP INC., was and still is a foreign corporation doing business in the State of New York.
25. Defendant, ALLEGIANCE PROTECTION GROUP INC., was and still is a foreign limited liability company doing business in the State of New York.
26. Defendant, ALLEGIANCE PROTECTION GROUP INC., expected or should reasonably have expected its acts and business activities to have consequences within the State of New York.
27. Defendant, ALLEGIANCE PROTECTION GROUP INC., derived substantial revenues from interstate or international commerce.
28. Defendant, ALLEGIANCE PROTECTION GROUP INC., was and still is a duly organized partnership existing and doing business under the laws of the State of New York.
29. Defendant, ALLEGIANCE PROTECTION GROUP INC., was and still is a duly organized proprietorship existing and doing business under the laws of the State of New York.

AS AND FOR A FIRST CAUSE
FALSE ARREST

30. Plaintiffs repeat and reallege each and every allegation contained in the foregoing paragraphs with the same force and effect as if herein set forth at length.
31. That on 4/4/2017 at approximately 2:00pm plaintiff RENE GOTAY was approached by the defendants POLICE OFFICER DANIEL VENDITTO and POLICE OFFICERS JOHN DOE #1-8, members of THE NEW YORK CITY POLICE DEPARTMENT with firearms drawn and pointed at him, was stopped, searched, seized, placed in handcuffs, and arrested by defendants inside "THE HUT" located at 1480 Williamsbridge Road, Bronx, New York. Thereafter, plaintiff RENE GOTAY was taken into custody by the defendants and held in confinement and imprisoned for an extended period of time.
32. That defendants lacked sufficient and reasonable cause for believing that a crime had been committed and for believing that the plaintiff had committed said crime.
33. That defendants lacked probable cause for believing that a crime had been committed and for believing that the plaintiff had committed said crime.

34. That plaintiff was aware of his arrest and did not consent to being arrested.
35. That defendants lacked legal authority to effect the arrest of the plaintiff.
36. That defendants failed to follow proper procedures and acted improperly in arresting the plaintiff.
37. That as a result of the aforementioned action by the defendants, plaintiff was wrongfully and falsely arrested and detained.
38. That on or about 4/4/2017 criminal proceedings were brought against the plaintiff and said criminal proceedings were dismissed by the Court in a disposition favorable to the plaintiff and on the merits.
39. That as a result of the action of the defendants, plaintiffs sustained serious personal injuries solely and wholly as a result of the aforesaid action of the defendants.
40. Upon information and belief, the limitations of liability set forth in Article 1601 of the CPLR do not apply to the causes of action set forth herein or one or more of the exemptions set forth in Section 1602 applies to the facts of this case.
41. That by reason of the foregoing the plaintiffs were caused to sustain damages and are entitled to recover against the defendants money damages in a sum in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A SECOND CAUSE OF ACTION
FALSE IMPRISONMENT

42. Plaintiffs repeat and reallege each and every allegation contained in the foregoing paragraphs with the same force and effect as if herein set forth at length.
43. That plaintiff Rene Gotay was taken into custody by the defendants and confined and imprisoned for an extended period of time.
44. That plaintiff was aware of his confinement and did not consent to it.
45. The defendants lacked legal authority to imprison the plaintiff.
46. That defendants failed to follow proper procedures and protocols and acted wrongfully in taking the plaintiff into custody and confining him and imprisoning him.
47. That as a result of the aforementioned action of the defendants, plaintiff Rene Gotay was caused to lose his liberty and be incarcerated improperly and without good cause.
48. That as a result of the action of the defendants, plaintiffs sustained serious personal injuries solely and wholly as a result of the aforesaid action of the defendants.
49. Upon information and belief, the limitations of liability set forth in Article 1601 of the CPLR do not apply to the causes of action set forth herein or one or more of the exemptions set forth in

Section 1602 applies to the facts of this case.

50. That by reason of the foregoing the plaintiffs were caused to sustain damages and are entitled to recover against the defendants money damages in a sum in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A THIRD CAUSE OF ACTION
MALICIOUS PROSECUTION

51. Plaintiffs repeat and reallege each and every allegation contained in the foregoing paragraphs with the same force and effect as if herein set forth at length.
52. That defendants, their employees and agents acted improperly and wrongfully in arresting and detaining the plaintiff.
53. That defendants, their employees and agents improperly and wrongfully initiated and prosecuted criminal proceedings against the plaintiff Rene Gotay and attempted to prosecute the plaintiff Rene Gotay.
54. That defendants, their employees and agents acted intentionally and with malice in initiating and prosecuting said criminal proceedings against the plaintiff Rene Gotay in the absence of probable cause for the initiation of criminal proceedings and in the absence of a reasonable chance of prevailing.
55. That as a result of the aforementioned criminal proceedings that were instituted against him, plaintiff was compelled to obtain an attorney to defend himself.
56. That as a result of the aforementioned criminal proceedings that were instituted against him, plaintiff was compelled to appear in court on multiple occasions to defend himself from the false charges in said criminal proceeding.
57. That on or about 4/4/2017 the aforesaid criminal proceeding was terminated by the Criminal Court, Bronx County in favor of the plaintiff, on the merits, and in a manner consistent with plaintiff's innocence.
58. That as a result of the action of the defendants, plaintiffs sustained serious personal injuries solely and wholly as a result of the aforesaid action of the defendants.
59. Upon information and belief, the limitations of liability set forth in Article 1601 of the CPLR do not apply to the causes of action set forth herein or one or more of the exemptions set forth in Section 1602 applies to the facts of this case.
60. That by reason of the foregoing the plaintiffs were caused to sustain damages and are entitled to recover against the defendants money damages in a sum in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A FOURTH CAUSE OF ACTION**DEPRIVATION OF RIGHTS UNDER THE UNITED STATES CONSTITUTION AND USC 1983 BY POLICE OFFICER DANIEL VENDITTO AND POLICE OFFICERS JOHN DOES #1-****8**

61. Plaintiffs repeat and reallege each and every allegation contained in the foregoing paragraphs with the same force and effect as if herein set forth at length.
62. By their conduct and actions in brandishing firearms and pointing them at the plaintiff, unreasonably searching, unreasonably seizing, falsely arresting, handcuffing, confining and imprisoning the plaintiff in the absence of reasonable and probable cause, assaulting, battering, and failing to intercede on behalf of plaintiff, failing to protect him from the unjustified and unconstitutional treatment he received, the defendants acting with animus, and under color of law and without lawful justification, intentionally maliciously and with deliberate indifference to and/or a reckless disregard for the natural and probable consequences of their acts, caused injury and damage in violation of plaintiff's constitutional rights as guaranteed under 42 U.S.C. 1983 and the United States Constitution, including its Fourth and Fourteenth Amendments.
63. Defendants deprived the plaintiff of his rights, privileges and immunities guaranteed and secured by the Fourth and Fourteenth Amendments to the United States Constitution and the Constitution of the State of New York including his rights to liberty and to be secure in his person and free from the use of unreasonable force.
64. As a result of the foregoing, plaintiff was deprived of his liberty, and was caused to sustain damages and are entitled to recover against the defendants money damages in a sum in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A FIFTH CAUSE OF ACTION**DEPRIVATION OF RIGHTS UNDER THE UNITED STATES CONSTITUTION AND U.S.C. 1983 BY THE CITY OF NEW YORK AND THE NEW YORK CITY POLICE DEPARTEMENT**

65. Plaintiffs repeat and reallege each and every allegation contained in the foregoing paragraphs with the same force and effect as if herein set forth at length.
66. That defendant THE CITY OF NEW YORK acting through its police department, department of correction and through defendants THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, POLICE OFFICER DANIEL VENDITTO, POLICE OFFICER JOHN DOE #1-8 had in effect actual and/or de facto policies, practices, customs, and usages which were a direct and proximate cause of the unconstitutional conduct alleged herein.
67. At all times material to this complaint, defendant THE CITY OF NEW YORK acting through its employees, agents, servants, and representatives had in effect actual and/or de facto policies,

practices, customs, and usages of failing to require its employees, agents, and servants including THE NEW YORK CITY POLICE DEPARTMENT, POLICE OFFICER DANIEL VENDITTO, POLICE OFFICER JOHN DOE #1-8 to comply with the rules and regulations of the The City of New York and The New York City Police Department, and in failing to require compliance with the United States Constitution, the New York State Constitution, and the laws of the United States and the State of New York.

68. The aforementioned customs, practices procedures and rules of defendants THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT include but are not limited to: arresting persons known to be innocent in order to meet “productivity goals”; falsely swearing out criminal complaints and/or lying and committing perjury during sworn testimony to protect other officers and meet productivity goals; failing to supervise, train, instruct, and discipline police officers thereby encouraging misconduct and exhibiting deliberate indifference towards the constitutional rights of persons within the officers jurisdiction; discouraging police officers from reporting the corrupt or unlawful acts of other officers; retaliating against officers who report police misconduct; withholding evidence and/or misrepresenting or falsifying evidence; and failing to intervene to prevent the above mentioned practices when they reasonably could have been prevented with proper supervision.
69. Pursuant to the aforementioned policies, practices, and/or customs, the employees, representatives and/or agents failed to intervene in or report defendants violations of plaintiff’s rights.
70. At all times material to this complaint, defendant THE CITY OF NEW YORK acting through its employees, agents, servants, and representatives including defendants THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, POLICE OFFICER DANIEL VENDITTO, POLICE OFFICER JOHN DOE #1-8 had in effect actual and/or de facto policies, practices, customs, and usages of failing to properly train, screen, supervise, and discipline employees and police officers, and of failing to inform the individual defendants’ supervisors of the need to train, screen supervise and discipline said defendants. Such failure to train, screen supervise, and discipline results in unreasonable searches, unreasonable seizures, arrests not supported by reasonable or probable cause, assaults, batteries, and the excessive use of force.
71. The aforementioned policies, practices, customs and usage were a direct and proximate cause of the unconstitutional conduct alleged herein.
72. All of the foregoing acts by defendants deprived plaintiff of his federally protected rights including but not limited to the constitutional rights enumerated herein.

73. Defendants deprived the plaintiff of his rights, privileges and immunities guaranteed and secured by the Fourth and Fourteenth Amendments to the United States Constitution and the Constitution of the State of New York including his right to liberty and to be secure in his person and free from the use of unreasonable force.
74. Upon information and belief, the limitations of liability set forth in Article 1601 of the CPLR do not apply to the causes of action set forth herein or one or more of the exemptions set forth in Section 1602 applies to the facts of this case.
75. As a result of the foregoing, plaintiff was deprived of his liberty, and was caused to sustain damages and are entitled to recover against the defendants money damages in a sum in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A SIXTH CAUSE OF ACTION

NEGLIGENT HIRING, SCREENING, RETENTION, SUPERVISION, AND TRAINING

76. Plaintiffs repeat and reallege each and every allegation contained in the foregoing paragraphs with the same force and effect as if herein set forth at length.
77. That defendants, THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, were under a duty to hire competent agents, servants, and employees and to terminate incompetent agents, servants, and employees.
78. That defendants, THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, hired agents, servants, and employees including the defendants POLICE OFFICER DANIEL VENDITTO and POLICE OFFICERS JOHN DOE #1-8 that lacked the requisite judgment, discretion, experience, training, and competence.
79. That there were prior complaints concerning the agents, servants, and employees of defendants THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, including the defendants POLICE OFFICER DANIEL VENDITTO and POLICE OFFICERS JOHN DOE #1-8, involving their dereliction of duty, lack of competence, lack of judgment and discretion, failure to follow proper procedures and protocols, intentional wrongdoing, excessive use of force, violations of constitutional rights, including complaints of prior similar incidents to those complained of herein.
80. That the defendants THE CITY OF NEW YORK, and THE NEW YORK CITY POLICE DEPARTMENT intentionally, knowingly, and/or with reckless indifference did disregard and/or failed to investigate the complaints involving the defendants' employees, agents, and servants, did investigate such incidents but failed to take such corrective action as was necessary, and therefore acted recklessly and with gross indifference and callous disregard in failing to remedy

the situation.

81. That there were prior incidents concerning the agents, servants, and employees of defendants THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, including the defendants POLICE OFFICER DANIEL VENDITTO and POLICE OFFICERS JOHN DOE #1-8, involving their dereliction of duty, lack of competence, lack of judgment and discretion, failure to follow proper procedures and protocols, intentional wrongdoing, excessive use of force, violations of constitutional rights, including prior similar incidents to those complained of herein.
82. That, upon information and belief, the defendants intentionally, knowingly, and/or with reckless indifference did disregard and/or failed to investigate the prior incidents involving the defendants' employees, agents, and servants, did investigate such incidents but failed to take such corrective action as was necessary, and therefore acted recklessly and with gross indifference and callous disregard in failing to remedy the situation.
83. That defendants THE CITY OF NEW YORK, and THE NEW YORK CITY POLICE DEPARTMENT, were negligent and reckless in their hiring of and in their retention of their agents, servants, and employees, including the defendants DANIEL VENDITTO and POLICE OFFICERS JOHN DOE #1-8 which caused the plaintiff to sustain injury without any negligence on the part of the plaintiff contributing thereto.
84. That defendants, THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, negligently and recklessly failed to terminate agents, servants, and employees including the defendants DANIEL VENDITTO and POLICE OFFICERS JOHN DOE #1-8 which caused the plaintiff to sustain injury, without any negligence on the part of the plaintiff contributing thereto.
85. That defendants were grossly negligent. Plaintiff is seeking punitive damages.
86. Plaintiffs will rely upon the doctrine of Res Ipsa Loquitor.
87. Upon information and belief, the limitations of liability set forth in Article 1601 of the CPLR do not apply to the causes of action set forth herein or one or more of the exemptions set forth in Section 1602 applies to the facts of this case.
88. That by reason of the foregoing the plaintiffs were caused to sustain damages and are entitled to recover against the defendants money damages in a sum in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A SEVENTH CAUSE OF ACTION
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

89. Plaintiffs repeat and reallege each and every allegation contained in the foregoing paragraphs with the same force and effect as if herein set forth at length.
90. That the defendants' aforementioned acts were extreme, shocking and outrageous.
91. That the defendants' aforementioned acts were intended to cause infliction of emotional distress to the plaintiffs or disregarded a substantial probability of causing emotional distress to the plaintiffs.
92. That the defendants' aforementioned acts did cause infliction of emotional distress on the plaintiffs.
93. That by reason of the foregoing the plaintiffs were caused to sustain damages and are entitled to recover against the defendants money damages in a sum in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A EIGHTH CAUSE OF ACTION
NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS

94. Plaintiffs repeat and reallege each and every allegation contained in the foregoing paragraphs with the same force and effect as if herein set forth at length.
95. That defendants negligently caused emotional distress and damage to plaintiff. The acts and conduct of the defendants were the direct and proximate cause of emotional injury to plaintiffs.
96. That by reason of the foregoing the plaintiffs were caused to sustain damages and are entitled to recover against the defendants money damages in a sum in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A NINTH CAUSE OF ACTION
ASSAULT AND BATTERY

97. Plaintiffs repeat and reallege each and every allegation contained in the foregoing paragraphs with the same force and effect as if herein set forth at length.
98. That defendants brandished firearms and pointed them at the plaintiff and forcibly placed their hands on the plaintiff against plaintiff's wish and against plaintiff's will. Defendants intentionally, and maliciously assaulted and battered plaintiff in that they had the real or apparent ability to cause imminent harmful and/or offensive bodily contact, and defendants made violent and/or menacing acts which threatened such contact to the plaintiff and caused the plaintiff to suffer apprehension of such contact.
99. Defendants in a hostile and/or offensive manner touched the plaintiff without plaintiff's consent and with intention of causing offensive bodily contact to the plaintiff by placing their hands on the plaintiff, seizing the plaintiff and placing him in handcuffs.
100. Defendants acted without privilege and without permission from the plaintiff.

101. That by reason of the foregoing the plaintiffs were caused to sustain damages and are entitled to recover against the defendants money damages in a sum in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A TENTH CAUSE OF ACTION
ABUSE OF PROCESS

102. Plaintiffs repeat and reallege each and every allegation contained in the foregoing paragraphs with the same force and effect as if herein set forth at length.
103. That the defendant ALLEGIANCE PROTECTION GROUP INC. filed a false complaint against the plaintiff Rene Gotay with The New York City Police Department.
104. That at all times defendant ALLEGIANCE PROTECTION GROUP INC. acted intentionally, with malice, and with an ulterior purpose to do harm to the plaintiffs.
105. That the aforementioned false complaint filed by the defendant ALLEGIANCE PROTECTION GROUP INC. was filed for a purpose of using the law for a purpose other than that for which it was legally intended.
106. That by filing the aforementioned false complaint the defendants violated the New York Penal Law.
107. That The New York City Police Department relied on the aforementioned false complaint made by the defendant ALLEGIANCE PROTECTION GROUP INC. and falsely arrested and falsely imprisoned the plaintiff.
108. That by reason of the foregoing the plaintiffs were caused to sustain damages and are entitled to recover against the defendants money damages in a sum in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction, and punitive damages.

AS AND FOR AN ELEVENTH CAUSE OF ACTION
LOSS OF SERVICES

109. Plaintiffs repeat and reallege each and every allegation contained in the foregoing paragraphs with the same force and effect as if herein set forth at length.
110. That at all times mentioned herein, plaintiff NANCY GOTAY was the wife of plaintiff RENE GOTAY.
111. That at all times mentioned the plaintiff NANCY GOTAY was entitled to receive from the plaintiff RENE GOTAY love, affection, and companionship, and has been caused various expenses in an effort to cure plaintiff RENE GOTAY of the injuries sustained.
112. That by reason of the foregoing the plaintiffs were caused to sustain damages and are entitled to recover against the defendants money damages in a sum in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiffs demand judgment as against the defendants in the

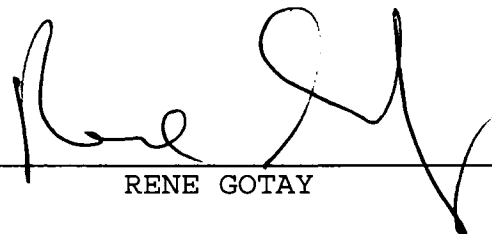
FIRST CAUSE OF ACTION in a sum that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with punitive damages, in the
SECOND CAUSE OF ACTION in a sum that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with punitive damages, in the
THIRD CAUSE OF ACTION in a sum that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with punitive damages, in the
FOURTH CAUSE OF ACTION in a sum that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with punitive damages, in the
FIFTH CAUSE OF ACTION in a sum that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with punitive damages, in the
SIXTH CAUSE OF ACTION in a sum that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with punitive damages, in the
SEVENTH CAUSE OF ACTION in a sum that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with punitive damages, in the
EIGHTH CAUSE OF ACTION in a sum that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with punitive damages, in the
NINTH CAUSE OF ACTION in a sum that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with punitive damages, in the
TENTH CAUSE OF ACTION in a sum that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with punitive damages, in the
ELEVENTH CAUSE OF ACTION in a sum that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with punitive damages,
together with costs, interest, and disbursements of this action.

Dated: Bronx, New York
February 28, 2018


Fraiden & Fraiden LLP
Attorneys for Plaintiffs
327 East 149th Street
Bronx, New York 10451
(718) 993-9911

STATE OF NEW YORK: COUNTY OF BRONX :

RENE GOTAY being sworn says: I am the plaintiff in the action herein; I have read the annexed Verified Complaint know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

x 
RENE GOTAY

Sworn to before me this
28th day of February 2018


NOTARY PUBLIC


MARK GERALD FRAIDEN
Notary Public, State of New York
No. 62FB6295385
Qualified in New York County
Commission Expires December 30, 2021

STATE OF NEW YORK: COUNTY OF BRONX :

NANCY GOTAY being sworn says: I am the plaintiff in the action herein; I have read the annexed Verified Complaint, know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

x Nancy Rufino Gotay

Sworn to before me this
28th day of February 2018



NOTARY PUBLIC

MARK GERALD FRAIDEN
Notary Public, State of New York
No. 02FR6295285
Qualified in New York County
Commission Expires December 30, 20 21